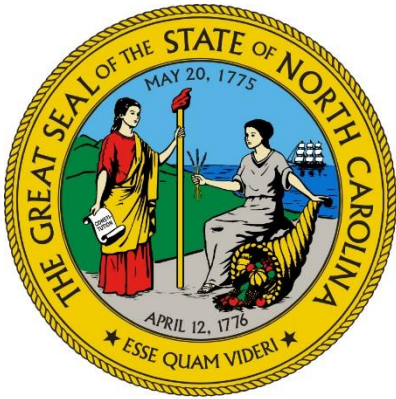


# **Department of Health and Human Services (DHHS)**



## **Division of Health Service Regulation (DHSR)**

### **Nurse Aide I**

**Last Updated:  
June 1, 2023**

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# Role of DHSR

DHSR is responsible for the review and determination of federal and state compliance of all Nurse Aide I training and competency evaluation programs.

# Federal Regulations

Below is a list of federal regulations regarding Nurse Aides. The list is not all inclusive. Please contact the DHSR Licensure Section or the North Carolina Board of Nursing regarding the role of Nurse Aides in a health care facility.

- Omnibus Budget Reconciliation Act (OBRA) of 1987
- Omnibus Budget Reconciliation Act (OBRA) of 1989
- Omnibus Budget Reconciliation Act (OBRA) of 1990
- [42 U.S.C. § 1395i-3\(e\)](#)
- [42 U.S.C. 1395i-3\(g\)\(1\)\(C\)](#)
- [42 U.S.C. § 1396\(r\)\(e\)](#)
- [42 U.S.C. 1396\(r\)\(g\)\(1\)\(C\)](#)
- [42 CFR 483, Subpart B 483.12](#)
- [42 CFR 483, Subpart B 483.13\(c\)\(1\)\(ii\)\(B\)](#)
- [42 CFR 483, Subpart B 483.35](#)
- [42 CFR 483, Subpart D 483.150-158](#)

# State Regulations

Below is a list of state regulations regarding Nurse Aides. The list is not all inclusive. Please contact the DHSR Licensure Section or the North Carolina Board of Nursing regarding the role of Nurse Aides in a health care facility.

- [N.C. General Statute § 131E Article 15](#)
- [10A NCAC Chapter 13 Subchapter D](#)
- [10A NCAC Chapter 13 Subchapter O](#)
- [21 NCAC 36 .0401](#)
- [21 NCAC 36 .0402](#)
- [21 NCAC 36 .0403](#)
- [21 NCAC 36 .0405](#)

# Unlicensed Assistive Personnel (UAP)

UAP is an umbrella term used to describe unlicensed health care assistants that have been trained to provide certain tasks of client care as directed by a licensed health care provider.

UAP includes but is not limited to the following specific job titles:

- Nurse Aides (NA)
- Certified Nursing Assistants (CNA)
- Patient Care Aides (PCA)
- Home Health Aides (HHA)
- Patient Care Technicians (PCT)
- Medical Office Assistants (MOA)
- Medical Assistants (MA)
- Medication Aides (Med Aide)
- Medication Technicians (Med Tech)

Per the North Carolina  
Board of Nursing



# Unlicensed Assistive Personnel (UAP)

UAP may work in a variety of healthcare settings including, but not limited to:

- Hospitals
- Skill nursing facilities
- Home care
- MD practices
- Various community health environments (i.e., schools, correctional facilities, clinics).

Refer to the [Decision Tree for Delegation to UAP](#) for more information on appropriate delegation to UAP.

Per the North Carolina  
Board of Nursing

# Education Requirements

## Training Programs:

Individuals must successfully complete a state-approved Nurse Aide I Training and Competency Evaluation Program (NAT/CEP) or a state-approved Competency Evaluation Program (CEP).

Training programs are available at selected high schools, community colleges, healthcare facilities, and private businesses in North Carolina.

Individuals should contact the training program regarding admission requirements and program availability.

# Education Requirements

## **EMT, Paramedic, and MOA:**

Training programs are available for Emergency Medical Technicians, Paramedics, and Medical Office Assistants who need to learn additional skills to successfully complete the North Carolina state-approved Nurse Aide I competency evaluation but do not need to repeat skills training in some areas of the North Carolina Nurse Aide I curriculum.

Individuals should contact the training program regarding admission requirements and program availability.

# Education Requirements

## Program Hours:

North Carolina state-approved Nurse Aide I training programs will partner with DHSR to determine program hours.

DHSR does not approve North Carolina state-approved Nurse Aide I training programs to have at minimum 75 clock hours.

DHSR partners with training programs to determine the number of clock hours needed to have an educationally sound program that meets the demands of Nurse Aides in the workforce today.

Per the Medicare State Operations Manual, Nurse Aide I training and competency evaluation programs must consist of a minimum of 75 clock hours of training in order to be approved by the State. The State has the discretion to require additional hours of training.

# Education Requirements

## **Retrain and Retest:**

An individual must retrain and retest if they do not meet the eligibility requirements for renewal.

# Education Requirements

Per the [Federal Register Vol. 56, No. 187, September 26, 1991, pages 48896 - 48897](#), because a NATCEP is not completed until the competency evaluation program is completed, it is reasonable to state that the NATCEP has a responsibility to be available to answer questions from its students until the competency evaluation has been completed.

# High Schools

North Carolina high schools, through Health Occupations Education Programs, can offer state-approved Nurse Aide I training.

A memorandum of understanding (MOU) exists between the North Carolina Division of Health Service Regulation (DHSR) and the North Carolina Department of Public Instruction (DPI). The MOU gives DPI management responsibility for high schools that meet the requirements for North Carolina state-approved Nurse Aide I training.

State-approved Nurse Aide I training programs in high schools must meet the same requirements as other state-approved Nurse Aide I training programs in North Carolina.

# Nursing Schools

A memorandum of understanding (MOU) exists between the North Carolina Division of Health Service Regulation (DHSR) and the North Carolina Board of Nursing (NCBON). The MOU gives the NCBON management responsibility for nursing programs that meet the requirements for North Carolina state-approved Nurse Aide I training.

Nursing programs must meet the same requirements as other state-approved Nurse Aide I training programs in North Carolina.



# Nursing Homes

## COVID-19 Waivers:

The Centers for Medicare & Medicaid Services (CMS) has terminated their COVID-19 blanket waivers regarding Nurse Aides (42 CFR §483.35).

North Carolina has terminated COVID-19 waivers regarding Nurse Aides (10A NCAC 13D .2001(23) & 10A NCAC 13D .2304(a)).

The COVID-19 Public Health Emergency and CMS 1135 waiver for Nurse Aide training and testing ended on May 11, 2023.

# Nursing Homes

## **COVID-19 Temporary Nurse Aide and State-Approved Competency Evaluation:**

In alignment with CMS guidance, Temporary Nurse Aides (TNAs), who were approved by DHSR to take the state-approved competency evaluation before October 7, 2022, can continue to take the state-approved competency evaluation to be listed on the North Carolina Nurse Aide I Registry until September 10, 2023.

TNAs can no longer test after September 10, 2023.

Click [here](#) to review the CMS guidance.

# Nursing Homes

## 4 Month Rule:

Became effective July 1, 2022, per North Carolina Session Law 2022-74 (2022 Appropriations Act). Click [here](#) to review.

G.S. 131E-255 was amended to include:

A nursing facility may employ or contract with health care personnel who are not listed on the Nurse Aide Registry to perform the duties of a nurse aide for a period of up to four months, consistent with subsection (d) of 42 C.F.R. § 483.35. As used in this subsection, "health care personnel" means unlicensed staff that have direct access to residents, clients, or their property. Direct access includes any unlicensed staff that, during the course of employment, have the opportunity for direct contact with an individual or an individual's property when that individual is a resident, client, or person to whom the nursing facility provides services.

The rule aligns with federal law 42 CFR 483.35.

# Nursing Homes

## **Per Federal Law 42 CFR 483.35:**

During the 4-month grace period, an individual must be deemed competent to provide nursing or nursing-related services by a Registered Nurse and work toward meeting the training and testing requirements by participating in a state-approved Nurse Aide I training and competency evaluation program or a state-approved competency evaluation program.

Not all nursing homes are approved by the State to offer Nurse Aide I training. Click [here](#) to view a list of the North Carolina state-approved Nurse Aide I training programs.

Click [here](#) to review all requirements for long-term care facilities outlined in federal law 42 CFR 483.35.

# Nursing Homes

## **4 Month Rule Requirements:**

An individual cannot work as a Nurse Aide for more than a total of 4 months in long-term care facilities without having successfully completed a state-approved training and competency evaluation program and/or competency evaluation program.

An individual used as a Nurse Aide during the 4-month grace period must be working toward meeting the training and testing requirements.

If an individual completed a state-approved Nurse Aide I training program prior to providing nursing or nursing-related services, then they must be registered to take the North Carolina state-approved Nurse Aide I competency evaluation during the 4-month grace period.

# Nursing Homes

## 4 Month Rule Requirements:

If an individual did not complete a state-approved Nurse Aide I training program prior to providing nursing or nursing-related services, then they must be actively participating in a North Carolina state-approved Nurse Aide I training and competency evaluation program during the 4-month grace period.

An individual must be listed on the North Carolina Nurse Aide I Registry within the 4-month grace period to continue providing nursing or nursing-related services in a long-term care facility.

An individual not listed on the North Carolina Nurse Aide I Registry at the end of the 4-month grace period, can no longer work in the capacity of a Nurse Aide at any long-term care facility until they are listed on the registry. These individuals can only complete job duties that do not involve direct resident care or nursing-related services.

# Nursing Homes

## **4 Month Rule Requirements:**

A long-term care facility cannot terminate and rehire an individual to restart the duration of the 4 months.

The duration of the 4 months does not start over if an individual completes additional training and testing sequences.

Long-term care facilities must continue to complete the required background checks prior to an individual working as a Nurse Aide.

Each long-term care facility is responsible for checking the prior work history of an individual that performs Nurse Aide duties. A facility must count any previous employment as a Nurse Aide, in a long-term care facility, toward the 4-month total.

# Nursing Homes

## **4 Month Rule Requirements:**

An individual cannot move from facility-to-facility and receive a full 4-month grace period each time they change employers and/or facilities.

During the 4-month grace period, the Nurse Aide must be a full-time employee at the long-term care facility.

Time spent providing Nurse Aide services, outside the clinical portions of the state-approved training program, counts toward the 4-month time period.



# Chart Comparison:

## CMS/DHSR COVID-19 Waivers, 4 Month Rule, 42 CFR 483.35:

Time Period	Must Complete Training at a NC State-Approved Nurse Aide I Training Program	Must Be Listed on the NC Nurse Aide I Registry Prior to Providing Nursing or Nursing Related Services to Residents in SNFs/NFs	Does DHSR Accept the Temporary Nurse Aide Training Equivalency Application Due to Covid-19
Individuals Hired as Nurse Aides by SNFs/NFs <b>Before April 2, 2020</b>	Yes	Yes	No
Individuals Hired as Nurse Aides by SNFs/NFs <b>Between April 2, 2020 – June 6, 2022</b>	No	No <sup>1,2</sup>	Yes <sup>5</sup>
Individuals Hired as Nurse Aides by SNFs/NFs <b>Between June 7, 2022 – June 30, 2022</b>	Yes	Yes <sup>3</sup>	No
Individuals Hired as Nurse Aides by SNFs/NFs <b>On or After July 1, 2022</b>	Yes	Individuals Have Four Months From Date of Hire to be Listed on the NC Nurse Aide I Registry <sup>4</sup>	No

# Chart Legend:

## **CMS/DHSR COVID-19 Waivers, 4 Month Rule, 42 CFR 483.35:**

- 1** Individuals must be deemed competent by a Registered Nurse prior to providing nursing or nursing-related services to residents.
- 2** Individuals must be listed on the Nurse Aide I Registry by October 7, 2022, or they can no longer work in the capacity of a Nurse Aide providing nursing or nursing-related services.
- 3** The change to General Statute 131E-255 did not go into effect until July 1, 2022.
- 4** Other conditions and requirements apply. Please refer to the information in this PowerPoint presentation and review all state and federal laws that are applicable to SNFs/NFs. If you have any questions, please contact the [DHSR Nursing Home Licensure Section](#).
- 5** DHSR will no longer accept the application after October 7, 2022.

# Employer Responsibilities

Before allowing an individual to work as a Nurse Aide I, the following activities must be completed:

- Ensure that the individual is listed in active status on the North Carolina Nurse Aide I Registry. You must keep a record of accessing the registry in your business files (e.g., the date and confirmation number from the registry).
- Ensure that the individual has no substantiated findings on the North Carolina Nurse Aide I Registry and the North Carolina Health Care Personnel Registry.
- A clinical skills validation, conducted by a Registered Nurse, is required before the Nurse Aide performs nursing tasks or services in a facility.
- Adhere to all state and federal laws and requirements regarding the hiring of Nurse Aides.

# State-Approved Competency Evaluation

## **National Council of State Boards of Nursing (NCSBN):**

Developed the Nurse Aide I evaluation known as the National Nurse Aide Assessment Program (NNAAP).

The NNAAP is the largest Nurse Aide certification evaluation program in the U.S.

On behalf of the NCSBN, Credentia administers the NNAAP.

Click [here](#) to learn more about the NCSBN and the NNAAP.

# State-Approved Competency Evaluation

## Credentia:

State-approved competency evaluation vendor for North Carolina.

The minimum number of students needed to complete the skills evaluation, at any given time, is five students. Otherwise, a testing event will be cancelled.

Training programs and candidates should refer to the [handbook](#) for more information about the examination process.

Click [here](#) to go to Credentia's website.

# State-Approved Competency Evaluation

## Fees for the NNAAP:

Exam Type	Fee
Written Examination & Skills Evaluation (initial)	\$140
Oral (English or Spanish) Written Examination & Skills Evaluation	\$140
Written Examination Only (re-test)	\$40
Oral (English or Spanish) Written Examination Only (re-test)	\$40
Skills Evaluation Only (re-test)	\$100

# State-Approved Competency Evaluation

## Nursing School Candidates:

Individuals planning to take the North Carolina state-approved Nurse Aide I competency evaluation to meet the requirements for a nursing school program must follow the same process as all Nurse Aide I candidates. No exceptions will be granted.

Individuals currently in a nursing school program in North Carolina can register to take the North Carolina state-approved Nurse Aide I competency evaluation through their nursing school's administration.

Individuals who are no longer in a nursing school program but completed the training requirements to be a Nurse Aide I, should submit the *Training Waiver Application* to DHSR for approval in order to take the North Carolina state-approved Nurse Aide I competency evaluation.

# State-Approved Competency Evaluation

## Nursing School Candidates:

Individuals not licensed by the North Carolina Board of Nursing must have completed equivalent training within the previous 24 months from the date DHSR receives the *Training Waiver Application*.



# State-Approved Competency Evaluation

## For Test Sites Only:

If there is a chance you will experience inclement weather that may affect testing, please follow the steps below.

- If you decide to cancel a test due to inclement weather during Credentia's business hours (8:30am to 5:00pm), please email [facilitysupport@getcredentia.com](mailto:facilitysupport@getcredentia.com) and [programcoordinator@getcredentia.com](mailto:programcoordinator@getcredentia.com).
- If you decide to cancel a test due to inclement weather after Credentia's business hours, please call 1-800-563-4013.

The coordinator team will reach out to you during business hours to reschedule testing.

# Registry

## **Renewal Notifications:**

Nurse Aides are responsible for renewing their listing prior to the expiration date.

DHSR will not send notifications to Nurse Aides of their upcoming listing expiration date.

# Registry

## Reciprocity:

North Carolina is a Nurse Aide I [reciprocity](#) state.

An individual who is active and in good standing status in another state must first be listed on the North Carolina Nurse Aide I Registry before performing nursing or nursing-related services in North Carolina.

Click [here](#) to review the North Carolina law and requirements regarding reciprocity.

# Registry

## Forms and Applications:

Click [here](#) to obtain and learn more about the forms and applications required for the Nurse Aide I Registry.

# Registry

## Renewal Requirements:

Per [42 CFR 483.156](#), a listing on the North Carolina Nurse Aide I Registry must be renewed every 24 consecutive months.

A Nurse Aide working in a non-nursing home setting is responsible for making sure their job duties qualify for renewal.

Qualified work can occur in a nursing home or other health care setting and must meet all the following criteria:

- The work is for pay (monetary compensation).
- The duties are those of a Nurse Aide. Click [here](#) to refer to the North Carolina Board of Nursing Nurse Aide I task list.
- The duties are delegated and supervised by a Registered Nurse.
- The number of hours worked is at least eight (8) during the Nurse Aide's 24-consecutive month registry listing period.

# Registry

## Private Duty Employment:

Private duty employment does not meet the qualifications for registry renewal.

## Important Notice:

- Nurse Aide hired by a licensed healthcare facility or agency to provide nursing or nursing-related services in the home is not considered private duty employment for registry renewal.
- Medicaid CAP/DA Waiver Program is not considered private duty employment for registry renewal.
- Medicaid CAP/C Waiver Program is not considered private duty employment for registry renewal.

# Registry

## **Paper Renewal Form:**

Effective August 31, 2021, DHSR is no longer mailing or accepting the paper renewal form for Nurse Aides or Medication Aides.

Effective February 6, 2023, DHSR is no longer accepting the paper renewal form from healthcare providers to renew a Nurse Aide listing on the North Carolina Nurse Aide I Registry.

# Registry

## Online Renewal Forms:

Nurse Aides and healthcare providers must transition to the online renewal forms.

Nurse Aides should renew their listing using the *Online Renewal Form*.

Registered Nurses should verify the Nurse Aide's employment using the *Online Employment Verification Form*.

Both forms are required to renew a listing on the North Carolina Nurse Aide I Registry.

Click [here](#) to learn more about the online renewal process.



# Registry

## Expiration Date Calculation:

The registry expiration date is calculated from the last date of qualified work as a Nurse Aide reported on the *Online Employment Verification Form* by the Registered Nurse.

The date that the Aide last worked providing nursing or nursing-related services delegated and supervised by a Registered Nurse must be within the registration/listing period identified on the *Online Employment Verification Form*.

Expiration dates are extended to the last day of the month.

# Registry

## Current Nurse Aides and Renewal:

Nurse Aides with an unexpired listing on the North Carolina Nurse Aide I Registry and do not meet the requirements for renewal may apply to take the North Carolina state-approved Nurse Aide I competency evaluation prior to their listing expiration date without additional training.

Must submit the *Training Waiver Application* to DHSR for approval within 90 days prior to the listing expiration date.

Must pass the North Carolina state-approved Nurse Aide I competency evaluation prior to the listing expiration date.

No extension of the 90 days will be granted.

# Registry

## Licensed Nurses:

Licensed Nurses with a current, unrestricted license to practice in North Carolina should submit the *RN and LPN Application*.

Licensed Nurses with an unrestricted license but are not eligible to practice in North Carolina should submit the *Training Waiver Application* to DHSR for approval to take the North Carolina state-approved Nurse Aide I competency evaluation.

Licensed Nurses with a restricted license should contact the Registry Office for more information.

# Registry

## Nursing Homes:

An individual that works as a Nurse Aide must be listed on the North Carolina Nurse Aide I Registry. This applies to a Registered Nurse, a Licensed Practical Nurse, and a Nurse Aide II.

[Per 42 CFR 483.12](#), Nursing homes may not employ an individual who:

- Has been found guilty of abuse, neglect, exploitation, misappropriation of property, or mistreatment by a court of law;
- Has had a finding entered into the State nurse aide registry concerning abuse, neglect, exploitation, mistreatment of residents or misappropriation of their property; or
- Has a disciplinary action in effect against his or her professional license by a state licensure body as a result of a finding of abuse, neglect, exploitation, mistreatment of residents or misappropriation of resident property.

# Registry

## **Verify a Registration/Listing Number:**

Click [here](#) to verify a registration/listing number in the North Carolina Nurse Aide I Registry.

# Range of Function

Click [here](#) to review the Nurse Aide I range of function information from the North Carolina Board of Nursing.

# Who to Contact for Assistance

## DHSR Education Office:

- Hours: 8am-5pm, Monday-Friday
- Fax: 919-733-9764
- Email: [dhsr.educationconsultant@dhhs.nc.gov](mailto:dhsr.educationconsultant@dhhs.nc.gov)
- Click [here](#) to obtain the contact information for your Regional Education Consultant.
- Address: 801 Biggs Drive, Raleigh, NC 27603

## DHSR Registry Office:

- Hours: 8am-5pm, Monday-Friday
- Telephone: 919-855-3969 (Monday-Friday; 8am-12pm; 1pm-3pm)
- Fax: 919-733-9764
- Email: [dhsr.registry@dhhs.nc.gov](mailto:dhsr.registry@dhhs.nc.gov)
- Address: 801 Biggs Drive, Raleigh, NC 27603

# Who to Contact for Assistance

## **N.C. High School Students:**

- Click [here](#) to go to the North Carolina Department of Public Instruction website.
- Phone: 919-807-3907

## **N.C. Nursing School Students:**

- Contact your School of Nursing for more information.



# Who to Contact for Assistance

## **N.C. Board of Nursing:**

- Click [here](#) to obtain contact information.
- Click [here](#) to learn more about Nurse Aide II.

## **N.C. Community College System**

- Click [here](#) to learn more about the main campuses and remote locations.
- Click [here](#) to learn more about proprietary schools.